

Larry Wawronowicz, Tribal Natural Resource Director
Lac du Flambeau Band of Lake Superior Chippewa
418 Little Pines
Lac du Flambeau, Wisconsin 54538

RE: Consultation on Tower Standard Leaking Underground Storage Tank Site

Dear Mr. Wawronowicz:

Thank you for your July 29, 2015 letter regarding our recent consultation at Lac du Flambeau. I agree that the meeting on your reservation was a positive step in our government to government relationship. Thank you and the members of the Tribal Council for your hospitality.

Your letter described the steps you understood that we would pursue as a result of our consultation, and requested our feedback on those steps. We are largely in agreement with your description of our agreed actions, and below I outline what the U.S. Environmental Protection Agency has done since our consultation meeting and how we propose to proceed.

On August 6, 2015, I sent a letter to Wisconsin Department of Natural Resources (WDNR) regarding the Tower Standard site and EPA and Tribal jurisdiction. I have attached a copy of that letter for your reference. I believe that letter addresses the concerns you raised in points one and two of your letter regarding the WDNR/EPA Memorandum of Agreement and regarding sovereignty.

With regard to your third issue, "Lac du Flambeau Pilot LUST Program," EPA will assist the Tribe to address leaking underground storage tank issues on the reservation, either by providing funding to the Tribe's Department of Natural Resources to develop Tribal capacity under a pilot program or by making available EPA internal resources, or some variation of the two. Currently, we are evaluating whether we could fund the tribe under our existing statutory authorities through a cooperative agreement or, failing that, other means by which EPA could provide the Tribe assistance to do this work. I will provide you with an update on our efforts on this topic within the next month.

For the Tower Standard site, your fourth issue, my staff have been working on a draft work plan for work at the site to supplement the work being done by the contractor under the state Petroleum Environmental Cleanup Fund Award (PECFA) program. Bob Egan of my staff has been in contact with your staff on this effort and we expect to move forward with certain key investigations this fall, including subsurface soil sampling and the installation of groundwater monitoring wells.

EPA has also made progress on your fifth issue, “Split Samples for work to be performed by WDNR.” EPA has confirmed that our Region 5 laboratory can process split soil samples collected during the PECFA-funded field work for many of the parameters of interest and Region 5 staff plan to be present at the collection of the samples.

Finally, you asked that we hold open our formal government to government consultation as we ensure that we meet the goals set in our initial consultation meeting. I support keeping the lines of communication open between the Tribe and the Region so that we can perform the important work before us.

If you have any questions or concerns regarding this matter, please contact me at (312) 886-0399 or your staff can contact Sherry Kamke at (312) 353-5794.

Sincerely,

Margaret M. Guerriero
Director
Land and Chemicals Division

Enclosure